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10/804,573	03/18/2004	Roy Victor Bladen	ENGD121757	7077

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EXAMINER	
GARCIA, ERNESTO	

ART UNIT	PAPER NUMBER
3679	

MAIL DATE	DELIVERY MODE
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/804,573	BLADEN, ROY VICTOR	
	Examiner	Art Unit	
	ERNESTO GARCIA	3679	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *18 January 2008*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-12 and 15-89* is/are pending in the application.

4a) Of the above claim(s) *9,18,26 and 32-89* is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-8,10-12 and 15-31* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☒ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *18 January 2008* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on January 18, 2008 has been entered.

The indicated allowability of claim 14, now claim 1, is withdrawn in view of a different interpretation of Cowls, 2,265,267, and newly found references, Pawelzik et al., 5,558,128, Krippendorf, 4,848,395, and Wolfgang, GB-2,024,377. The delay in finding these references is regretted. Rejections based on the references follow.

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Election of Species and Restriction

Claims 9, 18, 26, and 32-89 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention and species, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on January 13, 2006.

Drawings

The drawings were received on January 18, 2008. These drawings are acceptable; however, the drawings contain a discrepancy.

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character "13" in Figure 1 has been used to designate both a surface and a mounting member. Note that the mounting member requires is own reference character since 13 was originally established as a surface and not a mounting member as described on the amended specification at the paragraph starting on page 31, line 16.

Specification

The disclosure is objected to because of the following informalities:

The description of features 31 at page 34, lines 19-22, is inaccurate since based on the drawings changes filed on January 18, 2008, features 31 are not pipes but rather half pipes or shells. It should be noted that the two halves 31 make a split pipe but the pipe itself is not U-shaped or for that matter being a pair of U-shaped pipes as described. Appropriate correction is required.

The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: "in an environment having a building element and a mounting member" recited in claim 1, lines 1-2, "the first conduit being disposed within a portion of the building element" recited in claim 1, lines 13-14, and claim 20, lines 15-16, "the second conduit being disposed on a side of the mounting member opposite the first or second locking member" recited in claim 1, lines 14-15, and claim 20, lines 15-16, "first fitting" recited in claim 1, line 17, and "second fitting" recited in claim 1, line 17.

Applicant makes remarks about the support being shown in the drawings. In response, applicant should note that the examiner is not objecting to the drawings about whether there is support but rather lack of antecedent basis in the specification. In other words, this is not found in the specification. Applicant further remarks that the position is found on page 31, line 16, as amended on May 30, 2007. In response, it should be noted that the amendment on page 31, line 16 merely establishes the labeling of the first conduit and the second conduit and does not mention anything about

"an environment having a building element and mounting member", "the first conduit being disposed within a portion of the building element", and "the second conduit being disposed on a side of the mounting member opposite the first or second locking member".

Claim Objections

Claims 1 and 20 are objected to because of the following informalities:

regarding claim 1, "to within" in line 16 should be --into--, "plumbing" in line 19 should be --second conduit--, and "plumbing" in line 20 should be --first conduit-- since the current description appears to imply that there are two types of plumbing when there is only one plumbing, further, the limitation "disposed below the mounting member" in line 19, and "disposed within the building element" in line 20 is redundant since line 15-16 already mentioned that the plumbing extends accordingly; and,

regarding claim 20, "of the type" in line 1 still needs to be deleted, and the objections applied to claim 1 also apply to this claim. For purposes of examining the instant invention, the examiner has assumed these corrections have been made. Note that the amendment did not change line 1 as alleged.

Claim Rejections - 35 USC § 112

Claims 20-25 and 27-31 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claim 20, the recitation "the first and second passageways", in line 21, lacks proper antecedent basis.

Regarding claims 21-25 and 27-31, the claims depend from claim 20 and therefore are indefinite.

Claim Rejections - 35 USC § 102

Claims 1-8, 10-13, 15, 17, 19-25, and 27-31 are rejected under 35 U.S.C. 102(b) as being anticipated by Cowles, 2,265,267.

Regarding claim 1, Cowles discloses, in Figure 2, a quick connect assembly comprising a building element **5**, a mounting member **24**, a first locking member **A1** (see marked-up attachment), a second locking member **23**, a first conduit **1**, and a second conduit **19**. The first locking member **A1** is coupled to the building element **5**. The second locking member **23** is coupled to the mounting member **24**. The first locking member **A1** has a first passageway **15** extending through the first locking member **A1**. The second locking member **23** has a second passageway **21** extending through the

second locking member **23**. The first locking member **A1** and the second locking member **23** have co-operative cam locking elements **26,16**. The first conduit **1** and the second conduit **19** are disposed in fluid communication. The first conduit **1** is disposed within a portion of the building element **5** and the second conduit **19** is disposed on a side of the mounting member **24** opposite first locking member **A1** or the second locking member **23**. The first conduit **1** and the second conduit **19** cooperatively define plumbing **1,19**. The plumbing **1,19** extends from below the mounting member **24** into the building element **5** and passes through the first passageway **15** and the second passageway **21**. The plumbing includes a first fitting **20** and a second fitting **4**. The first fitting **20** and the second fitting **4** are coupled to the plumbing.

Regarding claim 2, the first locking member **A1** and the second locking member **23** can be adapted to reversibly couple to one another through a bayonet action.

Regarding claim 3, the first passageway **15** and the second passageway **21** are substantially aligned with one another when the first locking member and the second locking member are reversibly coupled to one another.

Regarding claim 4, the first locking member **A1** includes a recess **26**.

Regarding claim 5, the first locking member **A1** has an annular shaped body disposed about the first passageway **21**.

Regarding claim 6, the co-operative cam locking member elements **16**,**26** include a protrusion **16** extending from the annular shaped body and a cooperatively shaped structure **26** disposed on the second locking member **23**. Applicant should note that the protrusion and the cooperatively shaped structure are able to engage with one another to reversibly couple the first locking member and the second locking member.

Regarding claim 7, at least a portion of the second locking member **23** may be positioned within the first passageway of the first locking member.

Regarding claim 8, the co-operative cam locking element **16**,**26** include a protrusion **26** disposed on the second locking member **23** and a cooperatively shaped structure **16** disposed on the first locking member **A1**. The cooperatively shaped structure **16** overlaps the protrusion **26**.

Regarding claim 10, the second locking member **23** includes an alignment mechanism **A2** (see marked-up attachment) interfacing with a cooperatively shaped alignment device (the opening **A3**, see marked-up attachment) disposed on the mounting member **24**. Note that the second locking member can be adapted to be coupled in a selected orientation relative to the building element or the mounting member.

Regarding claim 11, the first locking member **A1** and the second locking member **23** are rotated less than 360 degrees during the reversible coupling of the locking members. Applicant is reminded that it is the patentability of the product, not the recited process step, that is to be determined irrespective of whether only process steps are recited. See MPEP 2113.

Regarding claim 12, the cooperative cam locking elements **26,16** include a cam disposed on the first locking member **A1** and the second locking member **23**. Applicant should note that when the locking members are reversibly coupled to one another, the cam of the first locking member **A1** is sandwiched between the cam of the second locking member **23** and the building element **5** or the mounting member **24**.

Regarding claim 15, the first fitting **20** is stationary relative to the second locking member **23**. The second fitting **4** is able to move relative to the first fitting **4** such that the second fitting **4** may be longitudinally displaced from the first fitting **20**.

Regarding claim 17, the fist fitting **20** is coupled to the second locking member **23**.

Regarding claim 19, the first passageway, the second passageway, and at least one of the locking members are hidden from view from a user viewing an exterior

surface of the building element 5 when the locking members are reversibly coupled to one another.

Regarding claim 20, Cowles discloses, in Figures 3 and 5-7, a quick connect assembly comprising a building element **5**, a mounting member **24**, an interference member **A1**, a receiving member **23**, a first conduit **1**, and a second conduit **19**. Services are permitted to pass between the mounting member **24** and the building element **5**. The interference member **A1** is coupled to the building element **5**. The receiving member **23** is coupled to the mounting member **24**. The interference member **A1** has a protrusion **16**. The receiving member **23** has an engagement member **26**. The first conduit **1** and the second conduit **19** are in fluid communication. The first conduit **1** is disposed within a portion of the building element **5** and the second conduit **19** is disposed on a side of the mounting member **24** opposite the second locking member **23**. The first conduit **1** and the second conduit **19** cooperatively define plumbing **1,19**. The plumbing **1,19** extends from below the mounting member **24** into the building element **5** and passes through the first passageway **15** and the second passageway **21**. The plumbing includes a first fitting **20** and a second fitting **4**. The first fitting **20** and the second fitting **4** are coupled to the plumbing.

Regarding claim 21, the interference member **A1** includes a recess **26**.

Regarding claim 22, the interference member **A1** has an annular shaped body forming an open inner portion **15**.

Regarding claim 23, the protrusion **16** extends inward from the annular shaped body into the open inner portion **15**.

Regarding claim 24, the receiving member **23** may be at least partially positioned within the open inner portion **15**.

Regarding claim 25, the engagement member **26** extends outward from the receiving member **23** and the protrusion **16** and engagement member **26** overlap.

Regarding claim 27, the receiving member **23** includes an alignment mechanism A3 interfacing with a cooperatively shaped alignment device A4 disposed on the mounting member **24** such that the interference **A1** member can be adapted is oriented in a selected orientation relative to the building element or the mounting member.

Regarding claim 28, a predetermined angular displacement of the interference member **A1** is less than 360 degrees.

Regarding claim 29, the receiving member **23** includes a passageway **21**.

Regarding claim 30, when the interference member **A1** is in a locked position, the protrusion **16** is sandwiched between the engagement member **26** and the building element **5**.

Regarding claim 31, the receiving member **23** is transitioned between a first position and a locked position by a bayonet action.

Claim Rejections - 35 USC § 103

Claims 1 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Krippendorf, 4,848,395, and Wolfgang, GB-2,024,377.

Regarding claim 1, Krippendorf discloses, in Figures 3 and 16, a quick connect assembly comprising a building element **1**, a mounting member **2**, a first locking member **A1** (see marked-up attachment), a second locking member **3**, a first conduit **A2**, and a second conduit **A3**. The first locking member **A1** is coupled to the building element **1**. The second locking member **3** is coupled to the mounting member **2**. The first locking member **A1** has a first passageway **112** extending through the first locking member **A1**. The second locking member **3** has a second passageway **31** extending through the second locking member **3**. The first locking member **A1** and the second locking member **3** have co-operative cam locking elements **11**. The first conduit **A2** and the second conduit **A3** are disposed in fluid communication. The first conduit **A2** is

disposed within a portion of the building element **1** and the second conduit **A3** is disposed on a side of the mounting member **2** (note that the conduit run beyond the mounting member) opposite first locking member **A1** or the second locking member **3**. The first conduit **A2** and the second conduit **A3** cooperatively define plumbing **14**. The plumbing **14** extends from below the mounting member **2** into the building element **1** and passes through the first passageway **12** and the second passageway **31** (see Figure 16). The plumbing **12** includes a first fitting **41** and a second fitting (not shown however, it is known that the other end of plumbing **14** has another fitting to connect to a water supply or other plumbing; see Wolfgang's Figure 3 as evidence). The first fitting **20** and the second fitting **4** are coupled to the plumbing **14**.

Regarding claim 20, Krippendorf discloses, in Figures 3 and 16, a quick connect assembly comprising a building element **1**, a mounting member **2**, an interference member **A1**, a receiving member **3**, a first conduit **A2**, and a second conduit **A3**. Services are permitted to pass between the mounting member **2** and the building element **1**. The interference member **A1** is coupled to the building element **1**. The receiving member **3** is coupled to the mounting member **2**. The interference member **A1** has a protrusion **11** (the pin). The receiving member **3** has an engagement member **11** (the slot). The first conduit **A2** and the second conduit **A3** are in fluid communication. The first conduit **A2** is disposed within a portion of the building element **1** and the second conduit **A3** is disposed on a side of the mounting member **2** opposite the second locking member **3**. The first conduit **A2** and the second conduit **A3**

cooperatively define plumbing **14**. The plumbing **14** extends from below the mounting member **2** into the building element **1** and passes through the first passageway **15** and the second passageway **21**. The plumbing includes a first fitting **20** and a second fitting **4**. The first fitting **20** and the second fitting **4** are coupled to the plumbing.

Claims 4 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Krippendorf, 4,848,395, and Wolfgang, GB-2,024,377, as applied to claims 1 and 20 above, and further in view of Pawelzik et al., 5,558,128.

Regarding claim 4, Krippendorf, as evidenced by Wolfgang, fails to disclose the first locking member **A1** including a recess. Pawelzik et al. teach, in Figure 1, a first locking member **1** including a recess (unreferenced but contains a seal against a mounting member 6) to provide a seal between the first locking member and a mounting member **6**. Therefore, as taught by Pawelzik et al., it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide a recess in the first locking member A**1** of Krippendorf to provide sealing between the first locking member A**1** and the mounting member **2**.

Regarding claim 21, Krippendorf, as evidenced by Wolfgang, fails to disclose the interference member **A1** including a recess. Pawelzik et al. teach, in Figure 1, an interference member **1** including a recess (unreferenced but contains a seal against a mounting member 6) to provide a seal between the interference member and a

mounting member **6**. Therefore, as taught by Pawelzik et al., it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide a recess in the interference member A**1** of Krippendorf to provide sealing between the first locking member **A1** and the mounting member **2**.

Response to Arguments

Applicant's arguments with respect to claims 1 and 20 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ernesto Garcia whose telephone number is 571-272-7083. The examiner can normally be reached from 9:30AM-6:00PM. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel P. Stodola can be reached at 571-272-7087.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/E. G./

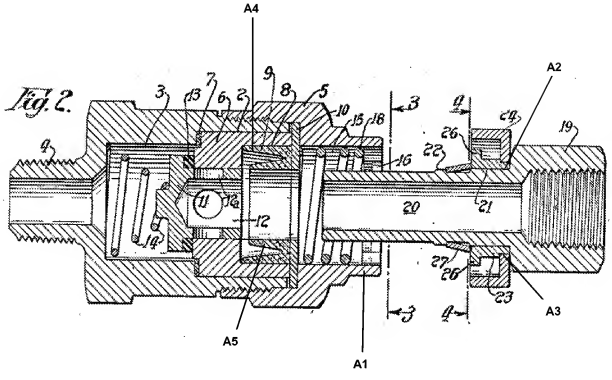
Examiner, Art Unit 3679

April 8, 2008

Attachments: one marked-up page of Cowles, 2,265,267
one marked-up page of Krippendorf, 4,848,395

/Daniel P. Stodola/
Supervisory Patent Examiner, Art Unit 3679

Cowles, 2,265,267



Krippendorf, 4,848,395

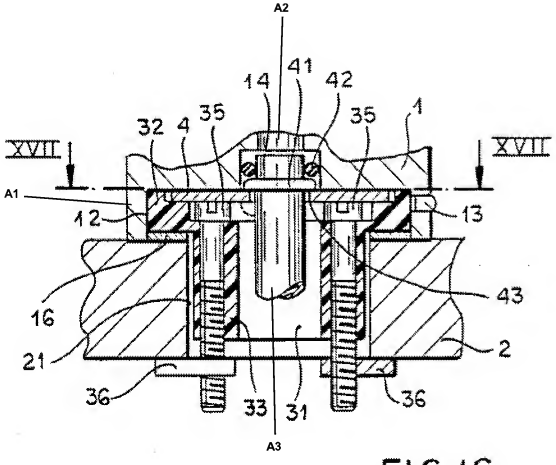


FIG.16